

Frequently Asked Questions (FAQ) About Districts' Responsibilities for Birth to Three Early Intervention Services

Consistent with the legislative mandate requiring all districts to provide or contract for early intervention services for children with disabilities aged birth to three as of September 1, 2009, the OSPI Special Education Section is offering information based on several questions received by our office during the past several months.

While OSPI is able to provide guidance, Part C (ITEIP) is the Lead Agency in the State of Washington and retains regulatory responsibility for Part C services. Based on our reading of RCW 28A.155.065 we believe that the statute contemplates that Part C (ITEIP) will be developing regulations to implement the new state law.

Part C federal regulations require a family/community partnership when determining IFSP (*Individual Family Services Plan*) services and fiscal responsibility for those services. While the new state law requires participation by all districts, the fundamental concepts of developing IFSPs and the partnership contemplated by Part C does not change once all school districts serve infants and toddlers with disabilities. School districts should be seen as *one* source of funding intervention services to children under the age of three, and not as the sole funding source.

QUESTION: Are school districts required to serve every birth to age three child that is Part C eligible?

RESPONSE: Currently, serving children birth to three is optional for school districts. If a district elects to serve infants and toddlers with disabilities, they must report them on P223H in order to receive state birth to three funding.

In order for a district to count children birth to three, a child must:

- Be enrolled in the district;
- Have a current evaluation;
- Have a current IFSP; and
- Be receiving services.

As of September 1, 2009 all school districts will be required to provide or contract for early intervention services. Districts would report children who are birth to three and who meet the four criteria above. Part B operates differently from Part C in that there may be a number of entities providing services to children who are birth to three. School districts are but one of the partners in service provision.

QUESTION: Can state birth to three funds support the provision of any of the 17 early intervention services?

RESPONSE: State birth to three funds may be expended on properly constituted IFSP services if the IFSP designates the district as responsible for a particular service. The IFSP process determines what

entity in the community partnership is responsible for agreed upon service delivery and funding for those services needed for an individual child.

QUESTION: What are the school district's responsibilities in coordinating services with local lead agencies and service providers in the development and implementation of an IFSP?

RESPONSE: As with all early intervention providers, districts are required to follow IDEA Part C rules concerning coordination and the provision of services. ITEIP as the state lead agency is responsible for the monitoring of early intervention service providers to ensure they all comply with IDEA Part C.

QUESTION: May a school district elect to contract for early intervention services to eligible birth to three children?

RESPONSE: The child's resident district has the discretion to contract with other local school districts or other early intervention providers for the provision of services identified in a properly constituted IFSP in accordance with current federal and Washington State contract regulations.

QUESTION: Is there a limitation on the amount of indirect costs the district can charge against the birth to three special education apportionment amounts.

RESPONSE: There are identifiable percentages of indirect costs that can be applied to the state special education program (which would include state 0-2 funding). The actual percentage of the indirect cost may vary between districts according to published rates. Specific questions concerning apportionment and accounting manual instructions should be directed to the OSPI School Apportionment and Financial Services section at (360)725-6111.

QUESTION: As a community partner in the provision of early intervention services what is the district's responsibility?

RESPONSE: As with any other Part C provider, resident districts are responsible for services specified as the district responsibility on a properly constituted IFSP whether the services are provided directly by the district or provided through a contract. As the Part C lead agency, ITEIP is responsible for monitoring compliance of all Part C service providers.

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